

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SENTENCING

UNITED STATES OF AMERICA,	)	COURT MINUTES - CRIMINAL
)	
Plaintiff,	)	Case No: 11-cr-228 (2) (MJD/JJK)
	)	Date: January 3, 2013
v.	)	Courthouse: Minneapolis
	)	Courtroom: 15E
Gerald Joseph Durand (2)	)	Court Reporter: Lori Simpson
<i>aka Jerry Durand</i>	)	Time Commenced: 9:00 a.m. - 10:25 a.m.
	)	10:40 a.m. - 1:00 p.m.
Defendant.	)	4:10 p.m. - 5:10 p.m.
	)	Time Concluded: 5:10 p.m.
		Time in Court: 4 hours and 45 minutes

Before Michael J. Davis, United States District Chief Judge.

APPEARANCES:

For Plaintiff: David MacLaughlin and Tracy Perzel, Assistant U.S. Attorneys
For Defendant: Brian Toder, CJA Appointed Attorney

☒ Motion for New Trial was argued and denied.

☒ Evidentiary Hearing re: murder plot. The court's decision will be noted when making it's 3553 (a) determinations in the statement of reasons.

Government Witnesses: Christopher Pettengill, Pace Klein, and Paul Wood

☒ Evidentiary Hearing re: 100 + victims.

Government Witness: Peter Madsen.

The Government's Motion for Enhancement for 100+ victims is granted.

☒ Sentencing.

☒ Defendant's Motion for Objection to Factual Statements of the PSI are denied.

☒ Defendant's Motion for Overstatement of Criminal History is granted. New guideline ranges were stated on the record.

IT IS ORDERED:

Defendant is sentenced to:

Count. Nos.	Guilty Verdict	BOP	SR
1ss-13ss, 18ss-19ss, 24ss-26ss, 28ss and 30ss	X	240 months. This term consists of 240 months on each of Counts 1ss-13ss; 120 months on each of Counts 18ss-19ss; 60 months on each of Counts 24ss and 25ss and 36 months on each of Counts 26ss, 28ss, and 30ss, all to be served concurrently	3 years. This term consists of 3 years on each of Counts 1ss-13ss, 18ss, 19ss, 24ss, 25ss and 1 year on each of Counts 26ss, 28ss, and 30ss, all such terms to run concurrently.

☒ Special conditions of: **See J&C for special conditions**

☒ Defendant sentenced to pay:

☒ Special assessment in the amount of \$2,000.00 to be paid.

☒ Restitution in the amount of \$155,359,411.77 to be paid jointly and severally.

☒ Defendant shall forfeit all interest in the property and items listed in the Final Order of Forfeiture.

☒ Defendant is remanded to the custody of the USM.

Date: January 3, 2013

s/KW
Calendar Clerk to Chief Judge Michael J. Davis